

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

WALTER CURTIS MOLES,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-08-594-F
)	
HARLEY G. LAPPIN, Director,)	
Bureau of Prisons, et al.,)	
)	
Defendants.)	

ORDER

United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation on December 30, 2010 (doc. no. 241), recommending that Defendants' Motion for Summary Judgment (doc. no. 134) be granted and that judgment as a matter of law be entered in favor of each of the defendants as to plaintiff's claims pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971) ("Bivens"), on grounds of qualified immunity. Magistrate Judge Couch also recommended that plaintiff's request for injunctive relief be denied and that plaintiff's claim under the Federal Tort Claims Act ("FTCA") be dismissed for lack of jurisdiction. By the court's order dated January 12, 2011 (doc. no. 244), Magistrate Judge Couch's Report and Recommendation remains filed under seal.

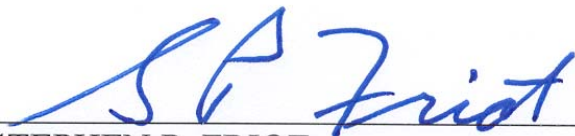
Plaintiff has timely filed an objection to the Report and Recommendation (doc. no. 248). The objection is also filed under seal. Pursuant to 28 U.S.C. § 636(b)(1), the court has conducted a *de novo* review of the matter. Having done so, the court concurs with the analysis of Magistrate Judge Couch and agrees with her

recommendation. The court rejects all of plaintiff's arguments set forth in his objection. The court therefore accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Valerie K. Couch on December 30, 2010 (doc. no. 241) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Defendants' Motion for Summary Judgment (doc. no. 134) is **GRANTED**. Defendants are entitled to summary judgment as to plaintiff's Bivens claims on grounds of qualified immunity. Plaintiff's request for injunctive relief is **DENIED**. Plaintiff's FTCA claim is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction. Judgment shall issue forthwith.

In accordance with the court's order dated January 12, 2011 (doc. no. 244), the Report and Recommendation of United States Magistrate Judge Valerie K. Couch remains filed under seal until further order of the court.

DATED February 16, 2011.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE